

**APPROVED (March 4, 2013)**  
**REGULAR MEETING OF THE BOARD OF MANAGERS OF THE**  
**MIDDLE- SNAKE-TAMARAC RIVERS WATERSHED DISTRICT**  
**HELD AT 453 NORTH MCKINLEY STREET, WARREN, MN**  
**4:00 P.M.                      FEBRUARY 19, 2013**

The meeting was called to order by President Roger Hille. Managers John W Nelson, Roger Hille, Ben Kleinwachter, David Bakke and Alvin Nybladh were present. Managers Doug Sorenson and Marvin Hedlund were not present. Nick Drees, Connie Kujawa, Ron Adrian, Tony Nordby, Jeff Hane and Rolland Miller were also present.

By unanimous consent the Agenda was accepted with the inclusion of item #12 (3) RRWMB.

Heidi Hughes, Sheila Horner and Randy Knott joined the meeting at approximately 4:04 p.m.

Motion by Mr. Ben Kleinwachter, seconded by Mr. John W Nelson that the minutes of the January 22, 2013 meeting be approved, as corrected. Motion unanimously carried.

The financial report was reviewed and filed for audit purposes.

Motion by Mr. Alvin Nybladh, seconded by Mr. Ben Kleinwachter that the following bills be paid: from the Administrative Funds: that payroll checks numbered 5452-5462 inclusive, for a total of \$14,118.31; that checks numbered 15655 through 15688 inclusive, including the service charge for a total of \$23,942.55; from the Project funds that checks numbered 2216 through 2235 inclusive, for a total of \$4,620.73; from the RRWMB funds that check numbered 154 for a total of \$1,142.20; and from the Ditch Funds that checks numbered 2631 through 2632 inclusive, for a total of \$174,097.50 be paid. Motion unanimously carried.

Heidi Hughes and Sheila Horner of the Agassiz Audubon Sanctuary reported that the Agassiz Audubon Board of Managers unanimously voted to form a collaborative working agreement between the Agassiz Audubon Sanctuary and the Watershed District, with details of the arrangement to be worked out jointly.

Sheila Horner and Heidi Hughes left the meeting at approximately 4:37 p.m.

Rolland Miller, Marshall County Commissioner, introduced himself to the Board.

The following permit was unanimously approved:

1. Permit (13-003) Burlington/Northern Sante Fe Railroad (to remove an existing 3 span, 41' bridge and replace with a 2 span, 36' concrete bridge with steel H-piling, over WD #4, in NE NE, Section 12, Boxville Township, provided a note is attached regarding obtaining field access to the Engelstad Property. (Motion John W Nelson, seconded Alvin Nybladh)

## APPROVED (March 4, 2013)

Communications were distributed from the Minnesota Association of Watershed Districts concerning the Legislative Reception on March 13-14, 2013, in St. Paul; and from the Red River Watershed Management Board concerning the March Conference scheduled for March 26-27, 2013, in Moorhead, Minnesota.

It was announced that a data practice request (13-1) and response has been received and responded to again.

Nick Drees reported:

1. Judicial Ditch #21, Lateral 2- that the removal of trees and brush has been completed by the Marshall County Sentence to Serve;
2. Judicial Ditch #15-that the Marshall County Auditor's office has been using the incorrect area in assessing benefits and that they are handling this issue.
3. Agassiz Valley (Outlet Permit)-that a telephone conference was held with representatives of the Minnesota Department of Natural Resources and in communication it appears a permit will be forthcoming;
4. Brandt/Angus-that the amendment to the grant agreement with the Minnesota Department of Natural Resources has been received and executed by the District Administrator;

Motion by Mr. John W Nelson, seconded by Mr. Ben Kleinwachter that the District advertise, for rent, the non-WRP lands on the Brandt/Angus Project, for a 3 year term, with bidding to be for total bid (not per acre), and to be publicly opened on April 1, 2013, at 4:05 p.m. Motion unanimously carried.

Nick Drees reported:

1. that the initial Tamarac TDML Outreach meeting is scheduled for February 26, 2013, at 1:00 p.m., at the Eagles Club, in Karlstad, Minnesota;
2. that the establishment of the Tamarac Project Work Team meeting is scheduled for February 28, 2013, at 10:30 a.m., at the Strandquist Community Center;
3. the Land Alteration and Maintenance of Drainage forum, in conjunction with the Marshall County Plan was held on February 13, 2013 in Newfolden;
4. that the Project 60 Joint Powers Board meeting will be held on February 21, 2013 at the Red Lake Watershed District;
5. that the Grand Marais Coulee Project Work Team meeting will meet on February 21, 2013;
6. that the Warren/Alvarado/Oslo, Stephen-Argyle and Newfolden schools will be participating in the River Watch Conference, to be held in March, and they are utilizing the Agassiz Valley Water Resource Management Project, the PL-566 Project; and the Angus Oslo #4 Project for their presentations.

## APPROVED (March 4, 2013)

Rolland Miller left the meeting at approximately 5:58 p.m.

Jeff Hane requested the Board close the meeting pursuant to MN Statutes 13D.05 subd 3 (b) to discuss litigation strategies and legal theories regarding the appeal of Loren Zutz's Attorney fees by Judge Remick.

Motion by Mr. John W Nelson, seconded by Mr. David Bakke that the meeting be closed to discuss litigation strategies and legal theories, with the District Legal Council, pursuant to MN Statutes 13D.05 subd 3 (b) in regards to the appeal of Loren Zutz 's Attorney fees by Judge Remick. Motion unanimously carried.

The meeting was closed at approximately 6:25 p.m.

Tony Nordby, Connie Kujawa and Ron Adrian left the meeting at approximately 6:25 p.m.

Motion by Mr. John W Nelson, seconded by Mr. David Bakke that the meeting be reopened. Motion unanimously carried.

The meeting was reopened at approximately 7:05 p.m.

The managers gave a brief report on the benefits of attending the Conference of the Red River Basin Commission held in Grand Forks on January 22-24, 2013.

Nick Drees was directed to invite the Red Lake Watershed District Board of Managers to attend the next regular meeting of the District scheduled for April 1, 2013

It was announced that the Minnesota Department of Revenue document regarding pending legislation on the taxation of services will be addressed by Red River Watershed Management Board.

Nick Drees reported the Minnesota Department of Natural Resources and District Administrators meeting is scheduled for February 22, 2013 at the Red Lake Watershed District;

A discussion was held concerning the retirement of Nick Drees under the Public Employees Retirement Association Phased Retirement Option. The Board will decide on the PRO option with a possible target date of Nick Drees utilizing the PRO option to begin April 1, 2013.

Motion by Mr. John W Nelson, seconded by Mr. Alvin Nybladh to authorize the District Administrator to purchase Outreach Services and Other Services from the Agassiz Audubon Sanctuary.

Jeff Hane requested the motion and the second be withdrawn pending legal review and until a preliminary meeting is held with the Agassiz Audubon Sanctuary.

Mr. Alvin Nybladh withdrew his second, and Mr. John W Nelson withdrew the motion.

The next regular meetings were scheduled for March 4, 2013 and March 18, 2013, at 4:00 p.m., at the District office.

Regular Meeting Minutes  
February 19, 2013  
Page-4

**APPROVED (March 4, 2013)**

By unanimous consent, the meeting was adjourned at approximately 8:15 p.m.

---

Connie Kujawa  
Recording Secretary

---

David Bakke  
Assistant Secretary/Treasurer